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TO: Dale Bailey, Ken Swindol, William Swindol, *Independent Monitors*

FROM: Jasmine Bolton, Neil Ranu and Victor Jones  
*Counsel for Plaintiff Class*

DATE: May 21, 2019

RE: Request for information under the Consent Judgment

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As an initial matter, we'd like to express our appreciation to the Independent Monitors ("IMs") for their work in overseeing the implementation of the Consent Judgment, filed March 25, 2015 (the "Consent Judgment"), in connection with *P.B., by and through his next friend, Cassandra Berry, et al. vs. John White, et. al.* We recognize the efforts the IMs have made to conduct reviews, prepare reports, respond to comments and concerns, and mediate between the parties. We have valued our time working with you and all parties to improve special education for children in Orleans Parish.

We are sending you this request to ask for information under Section V(7) of the Consent Judgment. As we detailed in our response to the Draft Report dated April 29, 2019, we are concerned whether the IM's finding that the State Defendants and Defendant-Intervenor (collectively "the Defendants") have achieved substantial compliance is reflective of an actual improvement in IDEA compliance on a systemic, parish-wide basis, or whether it instead reflects a proficiency by Defendants in the administration of the terms of the Consent Judgment. We are requesting information to help us make this determination.

Specifically, we request the following rates and supporting data for the two most recent years the rates were calculated:

1. The rates at which each LEA in New Orleans identified new students eligible for services under the IDEA and the student data used to calculate these rates pursuant to Section IV(A)(3)(a) of the Consent Judgment and Section A(1)(a,b) of Addendum A of the Consent Judgment.
2. The rates at which each LEA in New Orleans provided related services to students eligible for such services under the IDEA and the student data used calculate these rates pursuant to Section IV(B)(2)(a) of the Consent Judgment and Section B(1)(a,b) of Addendum A of the Consent Judgment.
3. The rates at which each LEA in New Orleans removed students with disabilities for disciplinary purposes for more than ten (10) cumulative days in an academic year and the

student data used calculate these rates pursuant to Section IV(C)(5)(a) of the Consent Judgment and Section C(1)(a,b) of Addendum A of the Consent Judgment.

4. The rate at which students with disabilities chose not to reenroll at each LEA in New Orleans each school year and the student data used calculate these rates pursuant to Section IV(D)(7)(a) of the Consent Judgment and Section D(1)(a,b) of Addendum A of the Consent Judgment.

We also would like to know if the IMs have collected any data or conducted an evaluation of the of the complaints Defendants have received under the complaint processes established under Sections IV(D)(5)(b) and IV(D)(6) of the Consent Judgment. To the extent that IMs have reviewed or monitored these complaints, we ask for the IMs data and findings from this review.

In connection with this request to the IMs, we are also separately sending public records requests to Defendants for publicly producible information related to their complaint processes for special education services and their monitoring activities for special education compliance beyond the terms of the Consent Judgment.

We appreciate your response to our request within the seven (7) day timeframe set forth in the Consent Judgment. However, if you need more time, please contact us, and we can discuss a more reasonable timeframe. We are also happy to speak with you if you have questions or would like further clarity on the information we're asking to see and our reasons for asking for this information. Thank you in advance for your prompt consideration of this request.